HOUSE BILL No. 1051

—————

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-31-4.

Synopsis: Removal of tenant's property from dwelling unit. Provides that a landlord may dispose of a tenant's personal property: (1) after obtaining a court order authorizing the removal of the evicted tenant's personal property from a dwelling unit; (2) if the rental agreement has been terminated and the tenant has failed to remove the tenant's personal property; or (3) if the tenant has failed to pay rent within 15 days after the rent was due, has not lived in the dwelling unit for the 15 days, and has failed to respond to notice sent by the landlord. Repeals superseded provisions.

Effective: July 1, 2006.

Hoffman

January 4, 2006, read first time and referred to Committee on Judiciary.

C
o
p
y

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~
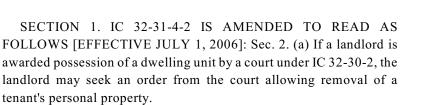 Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.
  Conflict reconciliation: Text in a statute in *this style type* or *~~this style type~~* reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

C o p y

HOUSE BILL No. 1051

———

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1   SECTION 1. IC 32-31-4-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) If a landlord is
3 awarded possession of a dwelling unit by a court under IC 32-30-2, the
4 landlord may seek an order from the court allowing removal of a
5 tenant's personal property.
6   ~~(b) If the tenant fails to remove the tenant's personal property before~~
7 ~~the date specified in the court's order issued under subsection (a), the~~
8 ~~landlord may remove the tenant's personal property in accordance with~~
9 ~~the order: and deliver the personal property to a warehouseman under~~
10 ~~section 3 of this chapter.~~
11   **(b) A landlord may remove and dispose of a tenant's personal**
12 **property if any of the following apply:**
13   **(1) The tenant fails to remove the tenant's personal property**
14   **before the date specified in the court's order issued under**
15   **subsection (a).**
16   **(2) Both of the following conditions exist:**
17   **(A) The rental agreement is terminated by:**

1   **(i) operation of law; or**

2   **(ii) terms of the rental agreement, which do not include**

3   **terms concerning the termination of a rental agreement**

4   **for a tenant's failure to comply with an obligation of the**

5   **rental agreement.**

6   **(B) The tenant fails to remove the tenant's personal**

7   **property on or before the date that the rental agreement**

8   **terminates.**

9   **(3) All of the following conditions are met:**

10   **(A) The tenant:**

11   **(i) fails to pay rent to the landlord within fifteen (15)**

12   **days after the rent is due under the rental agreement;**

13   **and**

14   **(ii) does not reside in the dwelling unit for the fifteen (15)**

15   **days that the tenant fails to pay rent under item (i).**

16   **(B) The landlord sends notice to the tenant at the dwelling**

17   **unit by certified or registered mail that:**

18   **(i) the tenant has failed to pay rent within fifteen (15)**

19   **days after the rent was due under the rental agreement;**

20   **and**

21   **(ii) the landlord intends to remove the tenant's personal**

22   **property if the tenant fails to respond to the landlord's**

23   **notice within five (5) days after the tenant receives the**

24   **notice under this clause or fifteen (15) days after the**

25   **landlord sends the notice.**

26   **(C) The tenant fails to respond to the landlord's notice**

27   **under clause (B) within:**

28   **(i) five (5) days after the tenant receives the notice; or**

29   **(ii) fifteen (15) days after the landlord sends the notice.**

30   SECTION 2. THE FOLLOWING ARE REPEALED [EFFECTIVE

31   JULY 1, 2006]: IC 32-31-4-1; IC 32-31-4-3; IC 32-31-4-4;

32   IC 32-31-4-5.